

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

SONTAY T. SMOTHERMAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civ. No. 2:14-cv-972  
Crim. No. 2:12-cr-055(3)  
Judge Frost  
Magistrate Judge King

**ORDER**

On April 24, 2015, the Magistrate Judge denied Petitioner's *Motion for Discovery*, ECF No. 281, and recommended that Petitioner's *Motion for Summary Judgment*, ECF No. 276, and *Motion for Relief from Judgment*, ECF No. 280, be denied and that the *Motion to Vacate* pursuant to 28 U.S.C. § 2255, ECF No. 270, be dismissed. *Order and Report and Recommendation*, ECF No. 287. Petitioner has objected to the recommendation. *Objection*, ECF No. 289.

In recommending that the *Motion to Vacate* be dismissed, the Magistrate Judge reasoned that all of Petitioner's claims had been presented to, and rejected by, the United States Court of Appeals for the Sixth Circuit on direct appeal. *Order and Report and Recommendation*, pp. 4-8. *See United States v. Smotherman*, 564 Fed.Appx. 209 (6<sup>th</sup> Cir. 2014); *see also Smotherman v. United States*, 134 S.Ct. 2863 (2014). Petitioner's objections do not address this reasoning. Instead, Petitioner complains that the Magistrate's Judge's recommendation was untimely and he insists that his claims are meritorious.

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. For the reasons detailed by the Magistrate Judge, Petitioner's *Objection*, ECF 289, is **OVERRULED**.

The *Order and Report and Recommendation*, ECF 287, is **ADOPTED** and **AFFIRMED**.  
Petitioner's *Motion for Summary Judgment*, ECF No. 276, and *Motion for Relief from Judgment*,  
ECF No. 280, are **DENIED** and the *Motion to Vacate*, ECF No. 270, is **DISMISSED**.

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT**.

/s/ GREGORY L. FROST  
GREGORY L. FROST  
United States District Judge